

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DUANE MARCEL HOLMES,

Petitioner,

v.

MARK GARMAN, et al.,

Respondents.

CIVIL ACTION
No. 19-2854

ORDER

AND NOW, this 4th day of March, 2025, upon careful and independent consideration of the pleadings (ECF No. 13) and state-court records, and after review of the Report and Recommendation of United States Magistrate Judge José Raúl Arteaga (ECF No. 47) and Petitioner's objections thereto (ECF Nos. 48, 49), it is hereby

ORDERED that:

1. The objections are **SUSTAINED in part** and **OVERRULED in part** as discussed in the accompanying Memorandum Opinion (ECF No. 50);
2. The Report and Recommendation is **ADOPTED in part** and **MODIFIED in part** as discussed in the accompanying Memorandum Opinion (ECF No. 50);
3. The Petition for a Writ of Habeas Corpus is **DENIED** and **DISMISSED**;
4. A certificate of appealability **SHALL NOT** issue, in that the Petitioner has not made a substantial showing of the denial of a constitutional right nor demonstrated that reasonable jurists would debate the correctness of the procedural aspects of this decision. *See* 28 U.S.C. 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and
5. The Clerk of Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.